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August 2, 2023

BY ECF

The Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,
Case No. 15 Civ. 5345 (JGK) (KHP)**

***City of Almaty, Kazakhstan, et ano. v. Felix Sater, et al.*,
Case No. 19 Civ. 2645 (JGK) (KHP)**

Dear Judge Koeltl:

We represent Plaintiffs City of Almaty, Kazakhstan and BTA Bank JSC and write in response to the Court's July 26, 2023 Order directing the parties to provide status letters in the above cases in anticipation of a status conference to be held August 9. [*See, e.g.*, Case No. 15 Civ. 5345, ECF No. 1755].

Case No. 15 Civ. 5345

The Court entered judgment for BTA Bank against Triadou SPV S.A. [ECF No. 1757]. As directed in the Court's order, BTA intends to submit its application for attorneys' fees in connection with its Article 52 claim. *Id.* BTA also intends to take steps to enforce the Judgment against Triadou, as well as the judgments entered against Mukhtar Ablyazov and Ilyas Khrapunov for their discovery misconduct. [*See* ECF Nos. 1624 (Ablyazov) and 1743 (Khrapunov)]. Ilyas Khrapunov has an ongoing reporting obligation to the Court concerning his ability to pay the judgment against him. [ECF No. 1743]. BTA may return to the Court to update those judgments with additional accrued interest.

Former counsel for Triadou SPV S.A. wrote to the Court concerning its receipt of ECF email notifications as agents of service for Triadou [ECF No. 1758], and the Court today returned Triadou's counsel to the ECF service list [ECF No. 1761].

Lastly, Plaintiffs previously moved for contempt and sanctions against third-party witness Gennady Petelin for his production of fraudulent documents and false testimony concerning the source of Triadou's financing. Judge Parker initially scheduled an evidentiary hearing on Plaintiffs' motion, but then sua sponte reconsidered the order and determined "that making a ruling as to whether Petelin provided false testimony and produced false documents in connection with his deposition is, at this point, premature." [ECF No. 1167 at 1]. Judge Parker



denied Plaintiffs' sanctions motion "without prejudice to renew," and provided that "Plaintiffs may re-request permission to file a motion for sanctions against Petelin after a trial on the merits in *City of Almaty et. ano. v. Ablyazov, et al.*, 15-CV-05345 (AJN) (KHP), to the extent proof is established that Petelin, in fact, lied during his deposition and produced false documents." *Id.* In light of the jury verdict and this Court's Findings of Fact and Conclusions of Law that together demonstrate Plaintiffs have proven that Petelin lied and produced false documents, Plaintiffs may seek to renew their prior sanctions motion.

There is no other motion in this matter currently before the Court.

Case No. 19 Civ. 2645

As Plaintiffs wrote to the Court on July 25, 2023 [ECF No. 460], expert discovery in this matter concluded on July 7, 2023. [See ECF No. 449 (Scheduling Order)]. There is no outstanding motion before Judge Parker, to whom the case was referred for discovery.

Plaintiffs do not intend to file a motion for summary judgment and are prepared to proceed to trial on a schedule set by the Court at next week's status conference. Plaintiffs respectfully request that the Court set a trial date and issue a Scheduling Order under Rule IV.B. of the Court's Individual Practices, pursuant to which the parties will confer and make any required pretrial submissions.

We thank the Court for its consideration.

Respectfully,

/s/ Craig Wenner

Craig Wenner